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PATENT Attorney Docket No. 8810-D7938 Express Mail No.: EJ123010984US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gary K. Michelson, M.D. Serial No.: 08/484,928 Group Art Unit: 3301 Examiner: M. Brown Filed: June 7, 1995 For: FRUSTO-CONICAL INTERBODY RECEIVED SPINAL FUSION IMPLANTS) RECEIVED NOV 1 0 1999 NOV 1 6 1999 Assistant Commissioner for Patents Washington, D.C. 20231 **Group 3700 Group 3700**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes a certification as specified by Section 1.97(e).

Each document listed in this Information Disclosure Statement was cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication. A copy of the Search Report is enclosed.

Sir:

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

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Date: November 3, 1999

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Gary K. Michelson		NUV 0 1 1990
Serial No.: 08/484,928)	Group Art Unit: 3301	Group 3700
Filed: June 7, 1995	Examiner: M. Brown	
For: FRUSTO-CONICAL INTERBODY) SPINAL FUSION IMPLANTS)		

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

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Effectively immediately, please address all future correspondence with respect to the

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Respectfully submitted,

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Attorneys for Applicant

Attorney Docket No. 8810-D7938

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I hereby certify that:

- Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c)
- \boxtimes PTO Form 1449
- Three cited references and a European Search Report Ø
- Change of Correspondence Address

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

> **Assistant Commissioner of Patents** Washington, D.C. 20231

Date: November 3, 1999

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